AMENDMENTS TO DRAWINGS

Please replace the sheet of drawings numbered 3/3, which includes Figures 3 and 4, with the attached "Replacement Sheet." This Replacement Sheet corrects an error in Figure 3 noted by the Examiner. Figure 4 is not amended.

<u>REMARKS</u>

Independent claim 1 of the subject application has been amended to recite that the command specifies execution of an unidentified executable on first data. Independent claims 17-19, 34 and 36 have been similarly amended. Support for the foregoing may be found in the specification, for example, at page 4, lines 18 to 28 and page 10, lines 11 to 12.

Claim 1 also has been amended to refer to determining a content type from metadata of the first data. Independent claims 17-19, 34 and 41 have been similarly amended. Support may be found in the specification, for example, at page 9, lines 14 to 17 and from page 10 line 28 to page 11, line 1.

Claims 2, 11, 29-33 and 42 have been deleted. Claims 43 and 44 have been added. Support for new claims 43 and 44 may be found in claim 18 as originally filed, at page 4, lines 27 to 28, page 10, lines 11 to 12 and from page 10 line 28 to page 11, line 1.

Amendments to claims 1, 9, 10, 12-14, 16-22, 24, 34, 36, 37 and 40-41 also have been made to improve upon the wording and grammar. Such amendments are not made for reasons related to patentability and the full ranges of equivalents should remain in tact.

No new matter is introduced into to application. Accordingly, upon entry of this Amendment, claims 1, 3-10, 12-28, 34-41 and 43-44 are pending. Of those claims, claims 1, 17-19, 24, 34-37, 40-41, 43 and 44 are independent.

Referring to the outstanding Office Action, Figure 3 is objected to as containing an error in the direction of the download initiation arrow. Accordingly, Applicants submit a Replacement Sheet 3/3, which includes the requested correction. Thus, this objection to the Drawings should be reconsidered and withdrawn.

The form of the Abstract is then objected to by the Examiner. Applicants respectfully traverse this objection and assert that the wording of the Abstract would assist the reader in

deciding whether there is a need to consult the full patent text. However, in the interest of advancing the prosecution of the application, Applicants have clarified the Abstract as suggested by the Examiner. Accordingly, reconsideration and withdrawal of this rejection is requested.

Regarding the claims, claims 12 and 40 are rejected under 35 USC Section 112, second paragraph, as being indefinite. In particular, the Examiner objects to the use of "and/or" in claim 12 and contends that there is an unclear repetition regarding "identifying ..." in claim 40.

Applicants respectfully traverse the above rejection and assert that the claims are clear. However, claims 12 and 40 have been clarified to improve upon the wording and grammar. Accordingly, withdrawal of this rejection also is believed to be warranted.

Lastly, claims 1-29 and 31-42 are rejected under 35 USC Section 103(a) as being unpatentable over Rao et al. (US Patent No. 6,978,453, hereinafter referred to as "Rao") in view of Szeto (US Patent No. 7,188,143, hereinafter referred to as "Szeto").

The foregoing obviousness rejection is respectfully disagreed with, and is traversed below.

Rao relates to a system for employing SyncML DM for updating firmware in mobile handsets and other devices (Abstract). With regard to Applicants' independent claim 1, the Examiner has argued that Rao teaches "receiving at an electronic device a command identifying a property of first data" (because allegedly "first data is identified to be associated with firmware update data" in Rao), "automatically determining a property of the identified first data" (because allegedly a received command is "recognized by an electronic device" in Rao "to have a property associated with firmware updating") and "operating on the identified first data using... [an] executable" (because allegedly "a module would operate on the firmware update data via downloading and updating processes").

The Examiner acknowledges that Rao does not teach "automatically identifying an executable from [a] determined property of... identified first data," as set forth in Applicants' independent claim 1.

Rao discloses, at column 8, lines 16 to 24, that "[a]n embodiment of the present invention may utilize enhancement commands such as, for example, GetFirmwareUpdate, VerifyFirmwareUpdate, SaveFirmwareUpdate, ApplyFirmwareUpdate, ConfirmFirmwareUpdate, and SIMCardChange, explained below."

Rao continues, at column 8, lines 25 to 28, that "the SyncML DM protocol allows the enhancement commands to be executed on nodes of [a] management tree in [a] mobile device 107."

Rao then discloses that "the SyncML management server may employ the exec command to invoke the enhancement commands associated with the firmware updates in the mobile handset. The exec command may launch a process that initiates the firmware update download in accordance with the parameters provided in the exec command. The implementation of the exec command may ensure that the entire firmware update file download is completed prior to starting any code rewrites on the device" (column 8, lines 36 to 44).

Rao, therefore, teaches that a "conventional" exec command specified in the SyncML Representation Protocol should be used.

A "conventional" exec command enables the originator of the command to ask that a named executable is invoked by the recipient (see page 2, lines 21 to 26 of Applicants' specification.

Thus, Rao does not disclose "receiving at an electronic device a command specifying execution of an unidentified executable" as recited in Applicants' independent claim 1.

Furthermore, it appears that Rao does not disclose "automatically determining, from metadata of the first data, a content type of the identified data" as also required by Applicants' independent claim 1. This is because, in Rao, there does appear to be any disclosure of determining a content type from anything that could be considered to be metadata.

Applicants' claim 1 further recites "automatically identifying an executable using the content type determined from the metadata." This is not disclosed in or suggested by Rao, because Rao teaches that an executable should be named in a "conventional" exec command, not identified using a content type determined from metadata.

Moreover, Applicants' claim 1 recites "operating on the identified first data using the identified executable." This is not disclosed in or suggested by Rao, because in Rao no executable has been "identified," using a content type determined from the metadata, as mentioned above.

Accordingly, it is respectfully asserted that the teachings of Rao do not disclose or suggest Applicants' independent claim 1. The addition of Szeto does not cure the shortcomings of Rao and disclose or suggest Applicants' claimed invention. That is, Szeto relates to techniques for controlling an application in an instant messaging environment (Abstract). Szeto indicates that "[a]n instant messaging environment is a shared environment which exits between 2 or more instant messaging users" (column 4, lines 61 to 63). The "current environment affects how user interface commands sent from instant messaging client 212 to conversation user interface 216 are processed" (column 6, lines 28 to 30).

The Examiner has made specific reference in the Office Action to Fig 12A and column 12, line 66 to column 13, line 16 of Szeto. This passage recites:

"[i]n step 1202, IM client 202 (FIG. 2 or 10) evaluates an IM message. From the IM message, the IM client 202 determines the application type (i.e., movie trailer, game, animated cartoon, advertisement, Flash presentation, etc.) in step 1204. Using an identifier, the IM application is retrieved in step 1206. In step 1208, a decision is made as to whether a supporting application

is required such as a media player (Real Player, Windows Media Player), content viewer (Adobe Illustrator, Reader, etc.), or other media-based display application. If required, the supporting application is launched in step 1210."

The above-mentioned section of Szeto thus discloses retrieving one or more applications using an identifier. There is no disclosure or suggestion in Szeto of "receiving at an electronic device a command specifying execution of an unidentified executable on first data," as recited in Applicants' claim 1.

There is also no disclosure or suggestion of "automatically determining, from metadata of the first data, a content type of the identified first data" in Szeto, because Szeto does not appear to mention determining a content type of anything. There also is no disclosure in Szeto of determining a content type from metadata of the first data, or of "automatically identifying an executable using the content type determined from the metadata."

Moreover, Szeto does not disclose "operating on the identified first data using the identified executable," because no executable is "identified" from metadata of first data in Szeto.

It is respectfully asserted that as none of Applicants' afore-cited features of claim 1 are disclosed in, or suggested by, Rao or Szeto, no combination of their teachings would result in this subject matter. Nor is there any reason to combine and modify their teachings in an attempt to arrive at the subject matter of claim 1.

Furthermore, given that Rao expressly teaches that a "conventional" SyncML exec command should be used, which requires a named executable to be provided, there is no reason that a person skilled in the art would arrive at anything falling within the scope of claim 1 on the basis of any combination of documents including Rao.

In view of the foregoing, it is respectfully asserted that Applicants' independent claim 1 is new and non-obvious. Applicants' other independent claims, claims 17-19, 24, 34-37, 40-41 and 43-44, are considered to be new and non-obvious for similar reasons. The remaining

claims, dependent claims 2, 3-10, 12-16, 20-23, 25-28 and 38-39, also are believed to be patentable in view of their dependency from an allowable independent claim.

All issues having been addressed, the subject application is believed to be in condition for allowance. Accordingly, reconsideration and withdrawal of the objections and rejections set forth in the outstanding Office Action is believed to be warranted. Favorable consideration that results in a Notice of Allowance is therefore earnestly solicited.

Respectfully submitted:

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. BOX 1450, Alexandria, VA 22313-1450.

June 16, 2008

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